



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,448	01/09/2002	Edwin Kong-Sun Ho	005925.P001	8466

7590 11/30/2006

Christian A. Nicholes
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

BORISSOV, IGOR N

ART UNIT PAPER NUMBER

3628

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/044,448

Applicant(s)

HO ET AL.

Examiner

Igor Borissov

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12,14-23 and 25-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-12,14-23 and 25-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Amendment received on 9/20/2006 is acknowledged and entered. Claims 2, 13 and 24 have been canceled. Claims 1, 10, 12, 21, 23 and 27 have been amended. Claims 1, 3-12, 14-23 and 25-33 are currently pending in the application.

Claim Rejections - 35 USC § 112

Claim Rejections under 35 USC § 112 have been withdrawn due to the applicant's amendment.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 7-10, 27 and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sofer et al. (US 6,920,487) in view of Wang et al. (US 5,365,520) and further in view of Larsson (US 6,304,757).

Independent Claims

Claim 1. Sofer et al. (Sofer) teaches a computer-implemented method for maintaining and distributing wireless applications to mobile devices, comprising:

receiving a call for a service from a mobile device (said call including a service dialed number (short code)) (C. 3, L. 35-37);

selecting a response to the call based upon a service dialed number (short code) selected to address the call, said service dialed number (short code) including information representing a unique code for routing the call (translating short code information into routing instructions) (C. 3, L. 47-49; C. 4, L. 23-27); and information

uniquely identifying the service (said short codes representing specific services) (C. 6, L. 12-28; C. 7, L. 35-40);

initiating a dialog between a server and the mobile device (establishing an interactive voice response for additional input from said mobile device) (C. 6, L. 40-42; C. 7, L. 7-18).

Sofer does not explicitly teach that said service dialed number (short code) includes at least *a first segment and a second segment*. Also, Sofer does not teach *terminating the call prior to an answering of the call*.

Wang et al. (Wang) teaches a system and method for dynamically routing a dialed signal, said signal including at least a first segment and a second segment (routing short code), said method including routing the signal in accordance with information obtained from said first and second segments ((Figs. 3 and 8; C. 6, L. 65 – C. 7, L. 5; C. 12, L. 36-48).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sofer to include that said service dialed number (short code) includes at least a first segment and a second segment, as disclosed in Wang, because it would advantageously allow to provide a mobile operator with sufficient intelligence to enable to route the call to a particular destination via appropriate nodes without having the participants of the call being aware of the specifics of the routing path, as specifically stated in Wang (C. 5, L. 47-59).

Larsson teaches a method for providing telecommunications services to a plurality of mobile users in a telecommunications network, wherein, when a subscriber notifies the telephone exchange that he/she has transferred to an other area, he/she *terminates the connection before the telephone exchange unit has answered the call*, thereby avoiding cost to the telephone exchange unit (C. 8, L. 53-60).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sofer in view of Wang to include *terminating the call prior to an answering of the call*, as disclosed in Larsson, because it would advantageously allow subscribers to avoid unnecessary cost, as specifically indicated in Larsson (C. 8, L. 53).

Claim 27. Sofer teaches a computer-readable medium having instructions embedded therein which, when implemented by a computer, causing said computer to perform a method for maintaining and distributing wireless applications to mobile devices, comprising:

receiving, from a network computer telephony integrated system, data about a call received from a mobile device (said call including a service dialed number (short code)) (C. 3, L. 35-37); and

initiating a dialog between a server (gateway) and the mobile device (establishing an interactive voice response for additional input from said mobile device) (C. 6, L. 40-42; C. 7, L. 7-18); said dialog including a response to be selected based upon a service dialed number (short code) selected to address the call, said service dialed number (short code) including information representing a unique code for routing the call (translating short code information into routing instructions) (C. 3, L. 47-49; C. 4, L. 23-27); and information uniquely identifying the service (said short codes representing specific services) (C. 6, L. 12-28; C. 7, L. 35-40).

Sofer does not explicitly teach that said service dialed number (short code) includes at least a *first segment and a second segment*. Also, Sofer does not teach *terminating the call prior to an answering of the call*.

Wang et al. (Wang) teaches a system and method for dynamically routing a dialed signal, said signal including at least a first segment and a second segment (routing short code), said method including routing the signal in accordance with information obtained from said first and second segments ((Figs. 3 and 8; C. 6, L. 65 – C. 7, L. 5; C. 12, L. 36-48).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sofer to include that said service dialed number (short code) includes at least a first segment and a second segment, as disclosed in Wang, because it would advantageously allow to provide a mobile operator with sufficient intelligence to enable to route the call to a particular destination via appropriate nodes

without having the participants of the call being aware of the specifics of the routing path, as specifically stated in Wang (C. 5, L. 47-59).

Larsson teaches a method for providing telecommunications services to a plurality of mobile users in a telecommunications network, wherein, when a subscriber notifies the telephone exchange that he/she has transferred to an other area, he/she *terminates the connection before the telephone exchange unit has answered the call*, thereby avoiding cost to the telephone exchange unit (C. 8, L. 53-60).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sofer in view of Wang to include *terminating the call prior to an answering of the call*, as disclosed in Larsson, because it would advantageously allow subscribers to avoid unnecessary cost, as specifically indicated in Larsson (C. 8, L. 53).

Dependent Claims

Claims 3. Determining, from the call, a subscriber identifier (Sofer; C. 7, L. 65 – C. 8, L. 1).

Claim 7. Selecting, based upon a first subset of the information, the server to select the response (Sofer; C. 6, L. 29-48; C. 7, L. 35-40).

Claim 8. Identifying, based upon a second subset of the information, data independent of the server and a recipient of the call (Sofer; C. 6, L. 12-28).

Claim 9. Said method as in Claim 8, wherein said data is a product (type of service) (Sofer; C. 6, L. 12-28).

Claim 10. Selecting the information via cell phone interface (Sofer; C. 6, L. 15-21).

Claim 31. Selecting, based upon a first subset of the information, a server to select the response (Sofer; C. 6, L. 29-48; C. 7, L. 35-40). As per “push” feature, see reasoning applied to Claim 12.

Claim 32. Identifying, based on a second subset of the information, data independent of the server and a recipient of the call (Sofer; C. 6, L. 12-28).

Claim 33. Said medium wherein said data is a product (type of service) (Sofer; C. 6, L. 12-28).

Claims 4, 5, 12, 14-21, 23, 25, 26, 28 and 29 rejected under 35 U.S.C. 103(a) as being unpatentable over Sofer et al. in view of Wang et al., further in view of Mehta et al. (US 2002/0131404 A1) and further in view of Larsson (US 6,304,757).

Independent Claims

Claims 12 and 23. Sofer teaches a computer-readable medium having instructions embedded therein which, when executed by a computer, causing said computer to perform a method for maintaining and distributing wireless applications to mobile devices; and system, said system including a network computer telephony integrated system and a plurality of servers/gateways; said method comprising:

receiving a call from a mobile device (said call including a service dialed number (short code)) (C. 3, L. 35-37); and

sending information about the call to a server to initiate a dialog between a server (gateway) and the mobile device (establishing an interactive voice response for additional input from said mobile device) (C. 6, L. 40-42; C. 7, L. 7-18); said dialog including a response to be selected based upon a service dialed number (short code) selected to address the call, said service dialed number (short code) including information representing a unique code for routing the call (translating short code information into routing instructions) (C. 3, L. 47-49; C. 4, L. 23-27); and information uniquely identifying the service (said short codes representing specific services) (C. 6, L. 12-28; C. 7, L. 35-40).

Sofer does not explicitly teach that said service dialed number (short code) includes at least a *first segment and a second segment*. Also; Sofer does not specifically teach that said server (receiving information about the call) is a *push* server. Also, Sofer does not teach *terminating the call prior to an answering of the call*.

Wang et al. (Wang) teaches a system and method for dynamically routing a dialed signal, said signal including at least a first segment and a second segment

(routing short code), said method including routing the signal in accordance with information obtained from said first and second segments ((Figs. 3 and 8; C. 6, L. 65 – C. 7, L. 5; C. 12, L. 36-48).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sofer to include that said service dialed number (short code) includes at least a first segment and a second segment, as disclosed in Wang, because it would advantageously allow to provide a mobile operator with sufficient intelligence to enable to route the call to a particular destination via appropriate nodes without having the participants of the call being aware of the specifics of the routing path, as specifically stated in Wang (C. 5, L. 47-59).

Mehta et al. (Mehta) teaches a computer-implemented method and system for maintaining and distributing wireless applications to mobile devices, said system including: a computer network, a provisioning server, and a deployment server having “push” behavior capability [0110], [0132]; said method comprising: receiving a request (call) for an application from a customer’s mobile device; and responding to the call based upon information identified for response [0136]; [0138].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sofer in view of Wang to include that said server (receiving information about the call) is a *push* server, as disclosed in Mehta, because it would advantageously allow to relieve the subscriber from having to actively retrieve desired application/information from the Web, thereby providing the convenience to the subscriber.

Larsson teaches a method for providing telecommunications services to a plurality of mobile users in a telecommunications network, wherein, when a subscriber notifies the telephone exchange that he/she has transferred to an other area, he/she *terminates the connection before the telephone exchange unit has answered the call*, thereby avoiding cost to the telephone exchange unit (C. 8, L. 53-60).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sofer in view of Wang to include *terminating the call prior to an answering of the call*, as disclosed in Larsson, because it would advantageously

allow subscribers to avoid unnecessary cost, as specifically indicated in Larsson (C. 8, L. 53).

Dependent Claims

Claim 14. Determining, from the call, a subscriber identifier (Sofer; C. 7, L. 65 – C. 8, L. 1).

Claims 4, 15 and 28. Sofer in view of Wang teaches all the limitations of Claim 3, except specifically teaching *determining, based upon the subscriber identifier, a set of capabilities of the mobile device.*

Mehta teaches a computer-implemented method and system for maintaining and distributing wireless applications to mobile devices, comprising:

determining whether the device has the resources and other capabilities specified by the application profile that corresponds to the requested application [0136].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sofer in view of Wang to include *determining, based upon the subscriber identifier, a set of capabilities of the mobile device*, as disclosed in Mehta, because it would advantageously insure that the subscriber get full access to the requested service/application.

Claims 5, 16 and 29, Mehta teaches said method and system, including determining compatible file formats for the identified subscriber device [0148]. The motivation to combine references would be insuring that the subscriber get full access to the requested service/application.

Claim 18. Said system wherein said server selects, based upon a first subset of the information, a server to select the response (Sofer; C. 6, L. 29-48; C. 7, L. 35-40). As per “push” feature, see reasoning applied to Claim 12.

Claim 19. Said system wherein a second subset of the information identifies data independent of the server and a recipient of the call (Sofer; C. 6, L. 12-28).

Claim 20. Said system as in Claim 19, wherein said data is a product (type of service) (Sofer; C. 6, L. 12-28).

Claim 21. Said system wherein the information is selected via cell phone interface (Sofer; C. 6, L. 15-21).

Claim 25. Determining, from the call, a subscriber identifier (Sofer; C. 7, L. 65 – C. 8, L. 1).

Claim 26. Selecting the information via cell phone interface (Sofer; C. 6, L. 15-21).

Claims 6, 17 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sofer et al. in view of Wang et al., further in view of Mehta et al. and further in view of Larsson.

Dependent Claims

Claims 6, 17 and 30. Sofer in view of Wang and further in view of Mehta teaches all the limitations of claims 6, 17 and 30, except specifically teaching that said format includes *two-way SMS*.

Larsson teaches said method, system and computer-readable medium, wherein the employed communication channel is SMS (C. 9, L. 20-21).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sofer in view of Wang and further in view of Mehta to include that said mobile devices include SMS capability, as disclosed in Larsson, because it would advantageously allow to communicate without incurring excessive costs.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sofer et al. in view of Wang et al. and further in view of Thornton (US 6,751,454 B2).

Dependent Claims

Claim 11. Sofer in view of Wang teaches all the limitations of claim 11, except specifically teaching that said response includes *instructing the mobile device to connect to the server*.

Thornton teaches a method and system for sampling audio recording on a cell phone, wherein, after establishing a first data connection to the data server computer, if a consumer wants to select a particular audio of interest while navigating through a menu system, the data server computer instructs the wireless device to terminate the first data connection and establish a voice connection with an audio server computer (C. 2, L. 40-42; C. 7, L. 15-25).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sofer in view of Wang to include that said response include *instructing the mobile device to connect to the server*, as disclosed in Thornton, because it would advantageously allow subscribers to review or "try" various applications prior to purchasing them, thereby decrease the amount of "returns ".

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sofer et al. in view of Wang et al. further in view of Mehta et al. and further in view of Thornton.

Dependent Claims

Claim 22. Sofer in view of Wang and further in view of Mehta teaches all the limitations of Claim 22, except specifically teaching that said response include *instructing the mobile device to connect to the server*.

Thornton teaches a method and system for sampling audio recording on a cell phone, wherein, after establishing a first data connection to the data server computer, if a consumer wants to select a particular audio of interest while navigating through a menu system, the data server computer instructs the wireless device to terminate the first data connection and establish a voice connection with an audio server computer (C. 2, L. 40-42; C. 7, L. 15-25).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sofer in view of Wang and further in view of Mehta to include that said response include *instructing the mobile device to connect to the server*, as disclosed in Thornton, because it would advantageously allow subscribers to review or "try" various applications prior to purchasing them, thereby decrease the amount of "returns ".

Response to Arguments

Applicant's arguments filed 9/20/2006 have been fully considered but they are not persuasive.

In response to applicant's argument that the prior art fails to teach or suggest that a dialog is initiated between a server and the mobile device prior to a call from a mobile device being answered, it is noted that Sofer teaches that in order to answer the call, a certain communication between the network and the mobile device should be established (establishing an interactive voice response for additional input from said mobile device) (C. 6, L. 40-42; C. 3, L. 47-49; C. 4, L. 23-27; C. 7, L. 34-40).

In response to applicant's argument that there is no suggestion to combine Sofer, Wang and Larsson, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, all references relate to providing telecommunication services. The motivation to combine Sofer with Wang would be to provide a mobile operator with sufficient intelligence to enable to route the call to a particular destination via appropriate nodes without having the participants of the call being aware of the specifics of the routing path, as specifically stated in Wang (C. 5, L. 47-59). And motivation to combine Sofer and Wang with Larsson would be avoiding unnecessary cost, as specifically indicated in Larsson (C. 8, L. 53).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

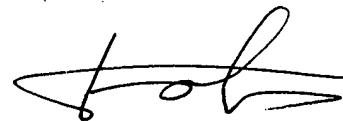
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3628

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IB

11/27/2006



IGOR N. BORISSOV
PRIMARY EXAMINER